IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 6968 of 2007(D)

OS.147/1997 of MUNI-MAGI COURT, DEVIKULAM
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PETITIONERS:
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1. V.BALASUBRAMANIAN,
S/O.S.VALLINAYAKAM NADAR, AGED ABOUT 60,
RESIDING AT SUBBARAJA NAGAR, BODINAICKANNUR P.O.,
UTHAMAPALAYAM TALUK, MADURAI DISTRICT,
TAMIL NADU STATE.

2. V.SELVA PANDI, S/O.S.VALLINAYAKAM NADAR,
AGED ABOUT 55, RESIDING AT SUBBARAJA NAGAR,
BODINAICKANNUR P.O., UTHAMAPALAYAM TALUK,
MADURAI DISTRICT, TAMIL NADU STATE.

3. V.POUNRAJAN, S/O.S.VALLINAYAKAM NADAR,
AGED ABOUT 53, RESIDING AT SUBBARAJA NAGAR,
BODINAICKANNUR P.O., UTHAMAPALAYAM TALUK,
MADURAI DISTRICT, TAMIL NADU STATE.

BY ADV. SRI.M.P.KRISHNAN NAIR
SRI.KRISHNAN NANDAKUMAR

RESPONDENTS:
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1. SREENIVASA TRADERS, REP.BY ITS
PROPRIETOR, U.P.SUBRAMANIA MOOTHAN, AGED 73 YEARS,
RESIDING AT UPPATHU HOUSE, KARNAKI NAGAR,
KOPPAM AMSOM, PALAKKAD TALUK, PALAKKAD DISTRICT.

2. DISRICT COURT, THODUPUZHA.

R2 BY GOVERNMENT PLEADER SMT. R. BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 6968 OF 2007

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Dated this the 5th day of October, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the District Judge, Thodupuzha to conduct an enquiry regarding the missing of the original documents produced before that Court and also requesting some order which would show that they had produced the documents in original that had been misplaced and proceedings are taken to fix the responsibility and so on. Unfortunately, the facts and circumstances of the case would reveal as seen from the preliminary report submitted by the Munsiff as well as the District Judge that original of sale deed document Nos. 1527/87, 1528/87 and 1571/87 of SRO Rajakumari were produced along with I.A.408/97 in the un-numbered OS..../97 by the plaintiff and that though the suit was transferred after the vacation to the Court of original jurisdiction, the documents were not sent

along with the same and therefore the party is experiencing difficulty as the original is always demanded by the Bank. This Court on receipt of the writ petition directed the concerned District Judge to make an enquiry. The District Judge directed the Munsiff to conduct an enquiry and the Munsiff held that the documents produced by the plaintiff in I.A.408/97 on 12.5.97 were found missing from the District Court, Thodupuzha. He also mentions about the persons responsible for the missing. But he added that he cannot arrive at a conclusion whether the original or copies of the document were produced before the vacation Court. This was reconsidered by the District Judge, Thodupuzha and the learned District Judge agreed with the first two findings but further held that a perusal of the copy register would reveal that the original documents were produced before the vacation Court as per I.A.408/97 dated 12.5.97. It is also reported by the learned District Judge that disciplinary action is being initiated and attempts are made to fix the liability on the person responsible for the missing of the documents. So

one thing is very clear that the writ petitioner namely the plaintiff in the suit has produced the original of the document Nos. 1521, 1528 and 1571 of 1987 of SRO Rajakumari before the District Court, Thodupuzha during the vacation and it had been misplaced from that Court and attempts were made and so far has not succeeded in finding out the same. It is submitted by the learned counsel for the writ petitioner that the Bank is demanding for the original of the documents and unless some satisfactory explanation is given they will be put to task. Therefore, I direct the writ petitioner to move an application on the judicial side of the District Judge, Thodupuzha and the learned District Judge to pass an order stating that the documents were produced in original and it had been misplaced and attempts are made to trace out as well as the factum of disciplinary proceedings being initiated and issue a copy of that order to the writ petitioner herein so that he can produce it before the concerned authorities for redressal of his grievance.

2. The writ petitioner is directed to file an application within a period of two weeks and the learned District Judge to pass an order within two weeks from the date of receipt of the application.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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